

PATENT APPLN. NO. 10/609,022
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
NON-FINAL

REMARKS

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Roscher et al., U.S. Patent No. 5,973,176 (hereinafter: "Roscher").

Claim 1 has been amended to limit the method of the invention for adhering a coating of a polymer, metal, metalloid oxide or fluorinated derivatives thereof to an electrical or opto-electronic surface to a method in which the surface is that of a device produced in a CMOS process. Support for this amendment can be found in the paragraph beginning on page 71, line 21 (paragraph [0131]) of the specification of the present application. This paragraph corresponds to paragraph [0162] of the application publication (US 2004-0115341 A1).

Applicants respectfully submit that Roscher is insufficient to support a case of anticipation under 35 U.S.C. § 102(b) or a case of *prima facie* obviousness under 35 U.S.C. § 103(a) of claims 1 and 2, particularly as amended. Roscher does not disclose and does not suggest the use of a hybrid organic-inorganic material as an adhesion promoter for adhering a coating of a polymer, metal,

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metalloid oxide or fluorinated derivatives thereof to an electrical or opto-electronic surface of a device produced in a CMOS process.

The only disclosure in Roscher that is possibly relevant to an adhesion promoter in Roscher is the demure suggestion of the use of the silanes of the invention of Roscher as "wetting agents" in column 25, line 46. However, the use of the compounds for coating the surface of a substrate disclosed in Roscher is as a lacquer. The coating of a surface with a "lacquer" would not reasonably be expected by a person of ordinary skill in the art to promote adhesion to a further layer. On the contrary, the person of ordinary skill in the art would expect that a surface is coated with a lacquer so that the surface can be kept clean of any further substances, such as contaminants.

For the above reasons, Roscher is insufficient to support a case of anticipation under 35 U.S.C. § 102 of the use of a hybrid organic-inorganic material as an adhesion promoter in the extremely difficult environment of a CMOS device and is insufficient to support a case of *prima facie* obviousness under 35 U.S.C. § 103(a) of such use.

Removal of the 35 U.S.C. § 102(b) and, alternative, 35 U.S.C. § 103(a) rejection of claims 1 and 2 is in order and is respectfully solicited:

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The foregoing is believed to be a complete and proper response to the Office Action dated May 17, 2005, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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